

BEFORE THE BOARD OF COUNTY COMMISSIONERS LEWIS COUNTY, WASHINGTON

IN THE MATTER OF APPROVING A RENTAL AGREEMENT)
WITH THE LEWIS COUNTY SOLID WASTE DISPOSAL)
DISTRICT #1 FOR FACILITIES AND STRUCTURES LOCATED)
AT THE CENTRAL TRANSFER STATION IN CENTRALIA, WA)

RESOLUTION NO. 13-047

WHEREAS, approval of a renewal agreement in which the Board of County Commissioners continues to lease the facilities and structures located at the Central Transfer Station in Centralia to the Lewis County Solid Waste Disposal District #1, a quasi-municipal corporation, and setting forth the terms of said agreement (attached as Exhibit A), is necessary, as the previous rental agreement expired December 31, 2012, and,

WHEREAS, Lewis County is authorized to enter said agreement under provisions of RCW 39.34.080; RCW 36.34.180; and LCC 3.30.450 et seq.; and,

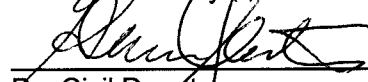
WHEREAS, RCW 36.34.160 states that prior to a Board of County Commissioners making a decision regarding the lease of property, notice of the intention to lease must be published in a legal newspaper at least once a week for a duration of three weeks, and a notice of the intention to lease must also be visibly posted in the courthouse for the same period of time; and,

WHEREAS, said rental agreement has been reviewed by the Board and found appropriate for further proceedings.

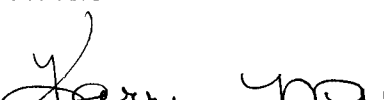
NOW, THEREFORE BE IT RESOLVED, notice is hereby given that the 4th day of March, 2013 at or after the hour of 10:00 A.M., in the Commissioners Hearing Room on the second floor of the Historical Courthouse in Chehalis, Washington, has been fixed by the Board as the time and place for the hearing on the Rental Agreement with the Lewis County Solid Waste Disposal District #1, for the rental of facilities and structures located at the Central Transfer Station in Centralia. At this time and place, all persons may appear and be heard upon the proposal. The Clerk of the Board is hereby instructed to proceed with all necessary notifications, posting, and publication.

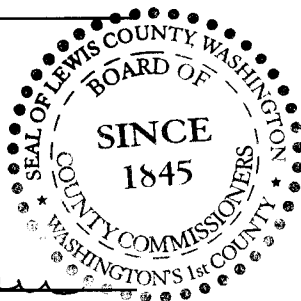
DONE IN OPEN SESSION this 11th day of February, 2013.

APPROVED AS TO FORM:
Jonathan L. Meyer, Prosecuting Attorney



By: Civil Deputy

ATTEST:


Karri Muir, Clerk of the Board



BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


~~Absent~~
P.W. Schulte, Chairman


F. Lee Grose, Member



Edna Fund, Member

Exhibit A

RENTAL AGREEMENT FOR RENTAL OF SOLID WASTE TRANSFER STATION

This agreement, executed in duplicate between Lewis County, a municipal corporation (hereinafter referred to as the "County"), and Lewis County Solid Waste Disposal District #1, a quasi-municipal corporation, (hereinafter referred to as the "District"), dated _____,

WITNESSETH:

Whereas, counties and solid waste disposal districts have the authority to provide for disposal of solid wastes and are authorized under provisions of Chapter 39.34 RCW and RCW 39.34.080 to contract with one another for the provision of any governmental service, activity, or undertaking that each public agency entering into the agreement is authorized by law to perform, and

Whereas, the County constructed a solid waste transfer station (the "Facility") on approximately ten (10) acres of leased property at **1411 South Tower Avenue, Centralia, Washington**, at a cost of \$4,985,625; and,

Whereas, the County is authorized to enter into a lease agreement with the District, according to RCW 36.34.180 and LCC 3.30.450 et seq.; and as a result, the District has rented the Facility from the County since April 1, 1994, which has allowed the District to use the Facility to meet its obligations to customers within the boundaries of the District; and,

Whereas, the County is willing and able to continue renting the Facility to the District based upon an agreed monthly rate, as described in Section III of this agreement; and,

Whereas, Section VII, "Reopener," of the original 1994 rental agreement allows the renegotiation of Sections III, IV, and V of the agreement; therefore, Section III, "Rental Amount," was renegotiated, and after the Facility was appraised by the Real Estate Division of the Lewis County Dept. of Public Works, and upon mutual consent of the County and the District within one year's notice, the payment amount increased from \$38,700 to \$51,000, effective January 1, 2010; and,

Whereas, RCW 36.34.160 states that prior to a board of county commissioners making a decision regarding the lease of property, notice of the intention to lease must be published in a legal newspaper at least once a week for a duration of three weeks, and a notice of the intention to lease must also be visibly posted in the courthouse for the same period of time; and,

Whereas, RCW 36.34.160 also states that said notice will announce that the board of county commissioners plan to meet at the county courthouse on a designated day and time within a week after the three weeks of publication of the notice, and that the public may appear and comment on this agreement during said meeting; and,

Whereas, the notice of intention to lease was published and posted as required in RCW 36.34.160, and a public hearing was held during a meeting of the County on March 4, 2013, during which the public was given the opportunity to appear and comment on this agreement.

IT IS HEREBY AGREED AS FOLLOWS:

I. Term of Agreement

This agreement shall be effective retroactively from January 1, 2013 through December 31, 2017.

II. Scope of Agreement.

This agreement is for the rental of the Facility owned by the County and operated by the County Department of Public Works, Solid Waste Division, pursuant to an interlocal agreement with the District.

III. Rental Amount.

The monthly rental for the Facility shall be Fifty-One Thousand Dollars (\$51,000), payable monthly to the County by the District.

IV. Obligations of the County

The County shall be responsible for:

1. Insuring the Facility.
2. Any bonded debt associated with the construction of the facility.
3. Payment for non-routine repairs.

V. Obligations of the District

The District shall be responsible for:

1. Maintenance and upkeep of the Facility.
2. Payment for routine repairs.

VI. Termination.

This agreement may not be terminated by either party without written consent of the other party received 90-days in advance.

VII. Reopener.

Sections III, IV, and V of this agreement may be renegotiated upon mutual consent of the County and the District with one year's notice.

This agreement shall become effective upon signature by all parties hereto and upon its filing with the Lewis County Auditor and the Washington Secretary of State.

ATTEST:

Clerk of the Board

APPROVED AS TO FORM

JONATHAN MEYER
Prosecuting Attorney

Chief Civil Deputy

ATTEST:

Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

P.W. Schulte, Chairman

F. Lee Grose, Vice Chairman

Edna J. Fund, Member

CHAIRMAN
GOVERNING BOARD OF COMMISSIONERS
LEWIS COUNTY SOLID WASTE DISPOSAL
DISTRICT #1

NOTICE OF HEARING - INTENT TO LEASE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners, Lewis County, Washington, proposes to hear comments related to its intention to renew a lease of the Solid Waste Transfer Station Structures and Facilities located at 1411 South Tower Avenue, Centralia, Washington, to the Lewis County Solid Waste Disposal District #1, a quasi-municipal corporation, on or after 10:00 a.m. on Monday, March 4, 2013 at the Lewis County Courthouse, County Commissioners Hearing Room, 351 NW North Street, Chehalis, Washington. The lease agreement is for a period of 5 years to be effective from January 1, 2013 through December 31, 2017. At the hearing, any person may appear to be heard, either for or against the adoption of the proposed lease. A draft rental agreement will be available by requesting a copy from Lewis County Public Works at (360) 740-1123 or at our website at <http://lewiscountywa.gov/>.

DATED February 11, 2013

Clerk of the Board
of County Commissioners

Publish: East County Journal-February 13th, 20th, and 27th, 2013
The Chronicle – February 14th, 21st, and 28th, 2013
Lewis County Web Site: <http://lewiscountywa.gov/>